



#4

PATENT  
Docket No. 377882001720

### DECLARATION FOR UTILITY/DESIGN PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, WE HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: ~~IMMUNOMODULATORY FORMULATIONS AND METHODS FOR USE THEREOF~~, the specification of which is attached hereto unless the following box is checked:

☒ was filed August 10, 2001 as United States Application Serial No. 09/927,884.

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/188,557	March 10, 2000

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
09/802,376	March 9, 2001	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Oct 12, 2001

Date

*[Signature]*  
Name: Gary VAN NEST  
Residence: 639 Skyline Dr. Martinez, CA 94553  
Citizenship: U.S.A.  
Post Office Address: Same as above

Oct 15, 2001

Date

*[Signature]*  
Name: Stephen TUCK  
Residence: 1742 Woodhaven Way, Oakland, CA 94611  
Citizenship: United Kingdom  
Post Office Address: Same as above

10/15/01

Date

*Karen L. Fearon*  
Name: Karen L. FEARON  
Residence: 4064 Valente Court, Lafayette, CA 94549  
Citizenship: U.S.A.  
Post Office Address: Same as above

10/16/01

Date

*[Signature]*  
Name: Dino DINA  
Residence: 6140 Buena Vista Avenue, Oakland, CA 94618  
Citizenship: U.S.A.  
Post Office Address: Same as above



PATENT

Docket No. 377882001720

#4

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST et al.

Serial No.: 09/927,884

Filing Date: August 10, 2001

Examiner: To Be Assigned

Group Art Unit: 1645

For: IMMUNOMODULATORY  
FORMULATIONS AND METHODS  
FOR USE THEREOF

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Dynavax Technologies Corporation, the assignee of the entire right, title and interest in  
this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)  
Mehran Arjomand (Reg No. P48,231)  
Sanjay S. Bagade (Reg No. 42,280)  
Shantanu Basu (Reg No. 43,318)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
Tyler S. Brown (Reg No. 36,465)  
A. Randall Camacho (Reg No. 46,595)  
Robert K. Cerpa (Reg No. 39,933)  
Alex Chartove (Reg No. 31,942)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Peter Davis (Reg No. 36,119)  
Stephen C. Durant (Reg No. 31,506)  
David L. Fehrman (Reg No. 28,600)  
Thomas George (Reg No. 45,740)  
Kenneth R. Glick (Reg No. 28,612)

Randolph Ted Apple (Reg No. 36,429)  
Laurie A. Axford (Reg No. 35,053)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Jonathan Bockman (Reg No. 45,640)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas Chuang (Reg No. 44,616)  
Cara M. Coburn (Reg No. 46,631)  
Raj S. Davé (Reg No. 42,465)  
Karen B. Dow (Reg No. 29,684)  
Carolyn A. Favorito (Reg No. 39,183)  
Hector Gallegos (Reg No. 40,614)  
Debra J. Glaister (Reg No. 33,888)  
Bruce D. Grant (Reg No. 47,608)

Johney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Kelvan P. Howard (Reg No. P48,999)	Peter Hsieh (Reg No. 44,780)
Jill A. Jacobson (Reg No. 40,030)	Wayne Jaeschke, Jr. (Reg No. 38,503)
Madeline I. Johnston (Reg No. 36,174)	Parisa Jorjani (Reg No. 46,813)
Ararat Kapouytian (Reg No. 40,044)	Richard C. Kim (Reg No. 40,046)
Cameron A. King (Reg No. 41,897)	Lawrence B. Kong (Reg No. P49,043)
Kawai Lau (Reg No. 44,461)	Glenn Kubota (Reg No. 44,197)
Rimas T. Lukas (Reg No. 46,451)	Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)	Philip A. Morin (Reg No. P-45,926)
Kate H. Murashige (Reg No. 29,959)	Paul S. Naik (Reg No. P49,075)
<del>Mabel Ng (Reg No. P48,922)</del>	<del>Martin M. Noonan (Reg No. 44,264)</del>
Catherine M. Polizzi (Reg No. 40,130)	Phillip Reilly (Reg No. 41,415)
Debra A. Shetka (Reg No. 33,309)	Terri Shieh-Newton (Reg No. 47,081)
Rebecca Shortle (Reg No. 47,083)	Kevin R. Spivak (Reg No. 43,148)
Stanley H. Thompson (Reg No. 45,160)	Thomas L. Treffert (Reg No. P48,279)
Brenda J. Wallach (Reg No. 45,193)	Michael R. Ward (Reg No. 38,651)
E. Thomas Wheelock (Reg No. 28,825)	Todd W. Wight (Reg No. 45,218)
Frank Wu (Reg No. 41,386)	David T. Yang (Reg No. 44,415)
Peter J. Yim (Reg No. 44,417)	George C. Yu (Reg No. 44,418)
Karen R. Zachow (Reg No. 46,332)	

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

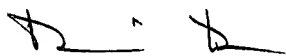
Karen R. Zachow  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Karen R. Zachow at (650) 813-5895.

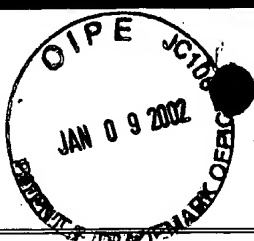
Dynavax Technologies Corporation  
a Delaware corporation

Dated:

Oct 16 01



Name: Dino Dina, M.D.  
Title: President and CEO  
Address: 717 Potter Street, Suite 100  
Berkeley, CA 94710



24

PTO/SB/96 (10-92)

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

Docket No. 377882001720

In the application of: Gary VAN NEST et al.  
Serial No.: 09/927,884  
Filed: August 10, 2001  
For: IMMUNOMODULATORY FORMULATIONS AND METHODS FOR USE THEROF

Dynavax Technologies Corporation, a corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor of the patent application identified above, for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

2. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

3. From :  
To:  
The document was recorded in the Patent and Trademark Office at Reel, Frame, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.


☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: Oct 16, 01

  
Name: Dino Dina, M.D.  
Title: President and CEO

**COPY**

**ASSIGNMENT  
JOINT**

THIS ASSIGNMENT, by Gary VAN NEST, Stephen TUCK, Karen L. FEARON and Dino DINA (hereinafter referred to as the assignors), residing at 639 Skyline Dr., Martinez, CA 94553, 1742 Woodhaven Way, Oakland, CA 94611, 4064 Valente Court, Lafayette, CA 94549, and 6140 Buena Vista Avenue, Oakland, CA 94618, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in IMMUNOMODULATORY FORMULATIONS AND METHODS FOR USE THEREOF, set forth in an application for Letters Patent of the United States, having an oath or declaration executed on even date herewith, bearing Serial No. 09/927,884 and filed on August 10, 2001; and

WHEREAS, Dynavax Technologies Corporation, a corporation duly organized under and pursuant to the laws of Delaware and having its principal place of business at 717 Potter Street, Suite 100, Berkeley, CA 94710 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Oct 12, 2001 [Signature]  
Date Gary VAN NEST

Oct 15, 2001 [Signature]  
Date Stephen TUCK

10/15/01 Karen L. Fearon  
Date Karen L. FEARON

10/16/01 [Signature]  
Date Dino DINA

**COPY**